

STATE OF VERMONT

HUMAN SERVICES BOARD

In re) Fair Hearing No. 20,573
)
Appeal of)

INTRODUCTION

The petitioner appealed a decision of the Department for Children and Families (DCF), Economic Services Division, denying her eligibility for Food Stamp benefits. The issue is whether the petitioner's income exceeds the program maximums.

FINDINGS OF FACT

1. The petitioner lives with five children. Petitioner's children are all adopted and special needs. One child is an adult and not part of the food stamp household. Another child is a full-time college student attending college out-of-state and not part of the food stamp household. The petitioner applied for food stamps on behalf of a household of four. The household income consists of two adoption subsidies and the receipt of Supplemental Security Income for one of the children.

2. A hearing was held on September 22, 2006. Looking at the figures in the application and the information from the hearing, there was a discrepancy in the amounts. In addition,

the Department had only calculated the petitioner's gross income. Because the household contained disabled individuals, the petitioner's net income should have been calculated.

3. Subsequent to the hearing, the Department recalculated the petitioner's gross and net income using the correct income figures. The revised income calculations still put petitioner over the income limits for food stamp benefits.

4. Based on the revised income calculations, petitioner has a gross monthly income of \$2,098 and a net monthly income of \$1,845.01. The monthly Food Stamp maximums for a household of four at the time of application were \$2,097 gross income and \$1,613 net income.

ORDER

The department's decision is affirmed.

REASONS

A household with a disabled member may meet the income guidelines for the Food Stamp program by either having gross income or net income under the income guidelines. Food Stamp Manual 273.9(a). The petitioner had household income in excess of both the gross monthly income limit of \$2,097 and the net monthly income limit of \$1,613. Procedures 2590-C. Accordingly, the Department's finding that the petitioner is

ineligible for Food Stamps based on her income must be affirmed. 3 V.S.A. § 3091(d), Fair Hearing Rule No. 17.

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